

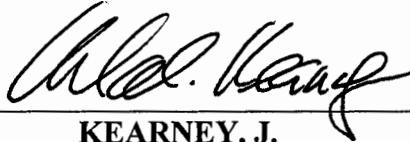
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN FLEET	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 17-3562
	:	
CSX INTERMODAL, INC., et al.	:	

ORDER

AND NOW, this 8th day of March 2018, upon considering Defendant Lowe's Motion to dismiss the Third Amended Complaint (ECF Doc. No. 36), Plaintiff's Response (ECF Doc. No. 37), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendant Lowe's Motion to dismiss the Third Amended Complaint (ECF Doc. No. 36) is **GRANTED in part** and **DENIED in part**:

1. We **deny** Mr. Lowe's Motion as to Counts One, Five, Six, Seven, Eight, and Nine limited solely to the December 31, 2016 incident;
2. We **grant** Mr. Lowe's Motion as to Counts Four and Ten in their entirety and to claims in Counts One, Five, Six, Seven, Eight, and Nine based on Mr. Lowe's conduct other than the December 31, 2016 incident; and,
3. Mr. Lowe shall answer the Third Amended Complaint relating to the remaining allegations against him limited to the December 31, 2016 incident no later than **March 19, 2018**.



KEARNEY, J.